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PART IV.

Public Health, Safety and Convenience.

CHAPTER VII.

WATER SUPPLY, LIGHTING AND DRAINAGE.

Public Water Supply.

Vesting of works in corporation.

166. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the Government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials and other things connected therewith and all land (not being private property or property vested in the Government) adjacent and appertaining to the same, shall vest in the corporation and be subject to its control.

Construction of water works.

167. (1) The corporation may, with the sanction of the Government, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

(2) The corporation may cause existing works for the supply of water to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Provision of gratuitous supply of drinking water.

168. (1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

Trespass on watr-supply premises.

169. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

Prohibition of building over water mains.

170. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the

same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-Supply.

Control over house-connections.

171. All house-connections, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for house of which they were constructed, and in conformity with bye-laws made in that behalf.

Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply.

172. (1) The commissioner may on application by the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for domestic consumption and use:

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than sixty rupees.

(2) Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than sixty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws.

(3) It shall not be lawful for the owner of any dwelling-house assessed at an annual value of not less than sixty rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) Where on any land there are two or more superstructures, the annual value of each of which is less than sixty rupees and the owner of the land is not the owner of all the superstructures, the commissioner may, if it appears to him that the superstructures are without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of any such superstructure, by notice, require the owner of the land to obtain such supply.

(5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose,

(*e*) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom, or

(*f*) for washing vehicles where they are kept for sale or hire, but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths,

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates, or

(iv) for the consumption and use of persons resorting to theatres and cinemas.

Private Water-supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

173. (1) The commissioner may, with the sanction of the standing committee supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1), payment shall be made at such rates and such conditions shall be imposed as may be laid down by the standing committee by general or special order and the amount shall be recoverable in the same manner as the property tax.

Supply in special cases.

Supply to local authorities.

174. The corporation may supply any other local authority whether within or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the corporation, subject to appeal in respect of such terms to the Government whose decision shall be final.

Cost of making the connection, etc.

Cost of making house-connection and of meter.

175. (1) Where an owner or occupier applies for a connection for the supply of water, he shall pay the cost of making such connection as well as the cost of the meter, if any, and the charge for fixing it.

(2) Where a connection for the supply of water is made at the instance of the commissioner, he may require the owner or occupier concerned to pay—

(*a*) the cost of making the connection;

(*b*) the cost of the meter, if any, or such rent in respect hereof as may be fixed by the corporation ; and

(*c*) the charge for fixing the meter, if any.

(3) Where at the instance of the commissioner a meter is fixed to any connection for the supply of water, he may require the owner or occupier concerned to pay—

(*a*) the cost of the meter or such rent in respect thereof as may be fixed by the corporation ; and

(*b*) the charge for fixing the meter.

(4) All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax.

(5) Where an occupier has paid the cost of a meter or of fixing the same, he shall, unless the meter has been fixed as part of a connection for which he has applied, be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Cutting off Water-supply.

Power to cut off water-supply.

176. (1) The commissioner may cut off the supply of corporation water from any premises—

(*a*) if the premises are unoccupied;

(*b*) if a meter is not fixed to the service connection of the premises in accordance with the provisions of the bye-laws made by the corporation under section 396;

(*c*) if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the commissioner within the period specified therein;

(*d*) if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented ;

(*e*) if after receipt of a notice from the commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Act ;

(*f*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water ;

(*g*) if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry ;

(*h*) if any pipes, taps, works or fittings connected with the corporation water-supply or found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;

(*i*) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws:

Provided that in cases falling under clause (*f*), (*g*), (*h*) or (*i*) the the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) (*a*) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (*d*) of sub-section (1), except water-tax.

(*b*) The sums referred to in clause (*a*) shall be a charge on the premises.

(3) The expense of cutting off the supply shall be paid by the owner and occupier of the premises jointly and severally.

(4) In cases under clause (*d*) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the corporation water-works.

(5) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of corporation when supply reduced or not made in certain cases.

177. The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting

Provision of lighting public street, etc.

178. The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil or such other illuminant as the corporation may determine.

Public Drainage.

Vesting of drains in corporation.

179. All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

180. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

Private Drainage.

Control over house drains, privies and cess pools.

181. All house-drains whether within or without the premises to which they belong, and all private latrines and cess-pools within the city shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with bye-laws framed by the corporation in this behalf.

Connection of house-drains with public drains.

182. (1) The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the bye-laws, for the connection, if practicable, of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on premises, the commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to drain or place and to execute all such works as may be necessary in accordance with the bye-laws at such owner's expense.

(3) If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the corporation for the discharge of drainage, the commissioner may by notice direct the owner of the said premises to construct a closed cess-pool or other sewage disposal plant of such material, dimensions and description in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the bye-laws.

(4) It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.

Commissioner's power to drain premises in combination.

183. (1) When the commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately the commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the commissioner to be best suited therefor and the expenses

incurred by the commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit and shall be recoverable in the same manner as the property tax.

(2) Not less than fifteen days before any work under this section is commenced, the commissioner shall give written notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and,

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Commissioner's power to close or limit the use of existing private drains.

184. (1) Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee, may—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(*b*) direct that such drain shall, from such date as he fixes in this behalf, be used to sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (*a*) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

Building, etc. not to be erected without permission over drains.

185. (1) Without the permission of the commissioner no person shall place or construct any fence, building, culvert, pipe, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1)

as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 440.

Construction of culverts by owner or occupier.

186. (1) The commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain-coverings shall be of such form and size and consist of such materials and be provided with such means of ventilation as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier

Maintenance of troughs and pipes for catching water.

187. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the commissioner, put up and henceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the commissioner may allow.

Public Latrines.

Provision of public latrines.

188. The corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Licensing of public latrines.

189. (1) The commissioner may license for any period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

Provision of latrines by owner or occupier.

190. (1) The commissioner may, by notice, require the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.

Provision of latrines and urinals for labourers.

191. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed flush-out

or other latrines of such description and number as the commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cartstands, and cattle-stands.

192. The commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway-station, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex flush-out or other latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

193. All flush-out or other latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

Power to carry wire, pipes, drains etc. through private property subject to causing as little inconvenience as possible and paying for direct damage.

194. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

195. (1) No person shall, without the permission of the commissioner, make any connection with any municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.

(2) The commissioner may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

196. If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, with the sanction of the Government and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level thereof.

Power of corporation in respect of works outside the city.

197. (1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Government.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the city sanctioned by the Government whether before or after the passing of this Act, exercise all the powers which they may exercise within the city throughout the line of country through which conduits, channels, pipes, lines of posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one mile beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.

CHAPTER VIII.

SCAVENGING.

Provision for removal of rubbish and filth.

198. (1) The commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish, and filth and for the final disposal of rubbish, filth and carcasses of animals;

(ii) provide dust-bins for the temporary deposit of rubbish:

(iii) provide vehicles or other suitable means for the removal of rubbish and carcasses of animals; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance

Public notice ordering deposit of rubbish and filth by occupier.

199. (1) The commissioner may with the previous sanction of the standing committee by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 201 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter

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in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force,

and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle shall be collected by the owner or occupier of such promises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises.

200. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 199, the commissioner may—

(*a*) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 198; or

(*b*) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (*a*).

Contract with owner or occupier for removal of rubbish and filth.

201. The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the corporation may determine.

Provisions for daily cleaning of streets and removal of rubbish and filth.

202. The commissioner shall provide—

(*a*) for the daily surface-cleanings of all public streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 198 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 199.

Rights of property of corporation in things deposited in receptacles.

203. All things deposited in depots or places provided or appointed under section 198 shall be the property of the corporation.

Directions as to removal of rubbish and filth.

204. In cases not provided for by any notice issued under section 200, the commissioner shall, with the sanction of the standing committee, lay down—

(*a*) the hours within which rubbish and filth may be removed; and

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(*b*) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(*c*) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

205. The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

Prohibition against accumulation of rubbish or filth on premises.

206. (1) No person who is bound by any notice issued under section 199 or section 200, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

Prohibition against irregular methods of depositing rubbish or filth.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 199 or section 200 as the case may be.

Prohibition of improper disposal of carcasses, rubbish and filth.

(3) No person shall, after due provision has been made under sections 198 and 202 for the deposit and removal of the same—

(*a*) deposit the carcasses of animals, rubbish or filth in any street or on the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank; or

(*b*) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(*c*) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

Prohibition against keeping rubbish or filth for more than twenty-four hours or in unauthorized place or manner.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner, or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleaning of any latrine on or belonging to the premises.

Prohibition against allowing sewage to flow in streets.

(5) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Contribution from persons having control over places of pilgrimage, etc.

207. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number

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of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the Government may determine.

CHAPTER IX.

STREETS.

Public Streets.

Vesting of public streets and their appartenances in corporation.

208. (1) All public streets in the city not reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements, and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the municipal fund or otherwise, in, alongside or under any street whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The Government may by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

Maintenance and repair of streets.

209. The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

210. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV,—

(*a*) lay out and make new public streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the special sanction of the corporation and the Government, permanently close any public street or part thereof;

(*d*) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers, of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.

Power to dispose of permanently closed streets.

211. (1) When any public street is permanently closed under section 210, the corporation may dispose of the site or so

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much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

212. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV, acquire—

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the corporation may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (*b*), may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

213. The standing committee may—

(*a*) prescribe for any public street or a building line or a street alignment or both a building line and a street alignment;

(*b*) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspepers and in the Official Gazette, and also special notice thereof, signed by the commissioner, has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

Restrictions on erection of or addition to buildings within street alignment or building line.

214. (1) No person shall construct any portion of any building within a street alignment defined under section 213 provided, however, that the commissioner may in his discretion permit additions to a building to be made with a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

(*a*) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(*b*) to pay the expenses of such removal:

Provided that the commissioner shall, in every case in which he gives permission, report his reasons, in writing to, the standing committee.

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 213 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 213 except with the permission of the commissioner, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

Setting back projecting buildings or walls.

215. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 213, the commissioner may, whenever it is proposed—

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the street alignment;

in the order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

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(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation:—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

Setting forward buildings to improve line of street.

216. The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation:—For the purpose of this section a wall separating any premises from a public street shall be deemed to be building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

Projected streets.

217. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provisions of section 215 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets.

218. The Commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any works connected with drainage, water-supply or lighting or any of the purposes specified in schedule III.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

219. It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

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Power of the corporation to recover expenses caused by extraordinary traffic.

220. When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon, the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subjected to any proceedings under this section.

Private Streets.

Owner's obligation to make a street when disposing of land as building sites.

221. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Making of new private streets.

222. (1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely:—

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall either sanction the making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

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(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of section 222.

223. (1) If any person lays out or makes any street referred to in section 222, without or otherwise than in conformity with the orders of the standing committee, the commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) repuire the offender to appear before the commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.

Power of commissioner to order work to be carried out or to carry it out himself in default.

224. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the commissioner, he may by notice require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may

be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the commissioner.

Right of owners to require streets to be declared public.

225. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 224 such street, shall on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

Encroachments on Streets.

Prohibition against obstructions in streets.

226. No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

Prohibition and regulation of doors, ground floor, windows and bars opening outwards.

227. (1) No door, gate, bar or ground-floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments.

228. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less than thirty years, for a period of thirty years), or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

229. (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,

(*a*) to put up or continue to have verandhs, balconies, sun shades, weather-frames and the like, to project over a street, or

(*b*) in streets in which the construction of arcades has been sanctioned by the council to put up or continue to have an arcade, or

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(c) to construct any step or drain-covering necessary for access to the premises.

(2) With the concurrence of the Superintendent of Police, the commissioner may grant a licence subject to such conditions and restrictions as he may think fit, for any temporary construction in any street or in any public place the control of which is vested in the corporation.

(3) No licence shall be granted under sub-section (1), if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the commissioner may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 440 from the person to whom the licence was granted.

Precautions during repair of streets.

230. (1) The commissioner shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the corporation,

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.

Prohibition against removal of bars and lights.

231. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 230.

Making holes and causing obstruction.

233. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner, and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or the fences, the owner or occupier of the

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premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by written order allow, clear the street of such obstruction.

Licence for work on buildings likely to cause obstruction.

233. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner in that behalf and shall also—

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents during such time as the public safety or convenience requires.

Naming Streets and Numbering Buildings.

Naming or numbering of public streets

234. (1) The corporation shall give names or numbers to new public streets and may, subject to the approval of the Government, alter the name or number of any public street.

(2) The commissioner shall cause to be put up or painted in English and on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or number or put up any name or number different from that put up by order of the commissioner.

Numbering of buildings.

235. (1) The commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the commissioner may by notice require him to replace it.

CHAPTER X.

Building Regulations.

General Powers.

Building rules.

236. (1) The Government may make rules—

(*a*) for the regulation or restriction of the use of sites for buildings, and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building, and

(*b*) that no site shall be used for construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters:—

(*a*) information and plans to be submitted together with applications for permission to build;

(*b*) height of buildings, whether absolute or relative to the width of streets;

(*c*) level and width of foundation, level of lowest floor and stability of structure;

(*d*) number and height of storeys composing a building and height of rooms;

(*e*) provision of sufficient open space, external or internal, and adequate means of ventilation;

(*f*) provision of means of egress in case of fire;

(*g*) provision of secondary means of access for the removal of house refuse;

(*h*) materials and methods of construction of external and party walls, roofs and floors;

(*i*) position, materials and methods of construction of hearths, smoke escapes, chimneys, stair cases, latrines, drains, cesspools;

(*j*) paving of yards;

(*k*) restrictions on the use of inflammable materials in building;

(*l*) in the case of wells, dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or by-laws made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.

237. (1) The corporation may give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed

shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities, specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

Building at corner of streets.

238. (1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflamable materials for buildings, etc., without permission.

239. (1) No external roof, verandah, pandal or wall of a building and no shed or fence shall be constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

Buildings other than Huts.

Application to construct or re-construct building.

240. (1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

(*a*) an application in writing for approval of the site, together with a site-plan of the land, and

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(*b*) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building and a specification of the work.

Explanation:—'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such a manner as may be required under rules or by-laws.

Necessity for prior approval of the site.

241. The commissioner shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section 240.

Prohibition against commencement of work without permission.

242. The construction or re-construction of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

Period within which commissioner is to signify approval or disapproval.

243. Within thirty days after the receipt of any application made under section 240 for approval of a site, or of any information or further information required under rules or by-laws the commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 246 to approve the site.

Period within which commissioner is to grant or refuse to grant permission to execute work.

244. Within thirty days after the receipt of any application made under section 240 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 246 or section 247 to grant it:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 243.

Reference to standing committee if commissioner delays grant or refusal of approval or permission.

245. (1) If, within the period laid down in section 243 or section 244 as the case may be, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

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Grounds on which approval of site for, or licence to construct building may be refused.

246. The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely:—

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or by-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any of the documents referred to in section 240 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the Commissioner under the rules or by-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 221;

(6) that the proposed building would be an encroachment upon Government or municipal land;

(7) that the site of such building does not abut on a street or a projected street, and there is not access to such building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.

Whenever the commissioner or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building the reasons for such refusal shall be specially stated in the order.

Special powers for suspending permission to construct buildings.

247. Notwithstanding anything contained in section 246 if any street shown in the site-plan is an intended private street, the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

Lapse of permission if not acted upon within one year.

248. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Inspection by commissioner.

249. The commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 108.

Power of commissioner to require alteration of work.

250. (1) If the commissioner finds that the work—

(*a*) is otherwise than in accordance with the plans or specifications which have been approved, or

(*b*) contravenes any of the provisions of this Act or any rule, by-law, order or declaration made under this Act, he

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may by notice require the owner of the building within a period stated either—

(*i*) to show cause why such alterations should not be made, or

(*ii*) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the commissioner shall by an order cancel the notice issued under subsection (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

251. Notwithstanding anything contained in any of the preceding sections the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

252. In sections 240 to 251 the word 'building' does not include a hut.

Wells.

Application of certain sections to wells.

253. The provisions of sections 240, 241, 242, 248, 249, 250 and 251 shall, so far as may be, apply to wells.

Huts.

Application to construct or re-construct huts.

254. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner—

(*a*) an application in writing for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and a plan shall contain the particulars and be prepared in the manner required under rules or by-laws.

Prohibition against commencement of work without permission.

255. The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 254.

Period within which commissioner is to grant or refuse to grant permission to execute the work.

256. Within fourteen days after the receipt of any application made under section 254 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or by-laws, the commissioner, shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 258 to grant it.

Reference to standing committee if commissioner delays grant or refusal or permission.

257. (1) If within the period laid down in section 256, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which permission to construct or re-construct hut may be refused.

258. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) That the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, by-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by laws;

(3) that any information or plan required by the commissioner under rules or by-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 221;

(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted; or

(6) that the proposed hut would be an encroachment upon Government or municipal land.

Whenever the commissioner or standing committee refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

259. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External Walls, Alterations and Additions.

Maintenance of external walls in repair.

260. The owner or occupier of any buildings adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

Application of provisions to alterations and additions.

261. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of the buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

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Powers of Commissioner.

Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed.

262. (1) If the commissioner is satisfied—

(i) that the construction or re-construction of any building or well—

(*a*) has been commenced without obtaining the permission of the commissioner or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 250 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose into, or upon any building, has been commenced or is being carried on or has been completed in breach of section 261,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order, with any modification he may think fit to make and such order shall then be binding on the owner.

Exemptions.

Exemptions.

263. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer-house (not being a dwelling-house),

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poultry-house, or aviary, shall be exempted from the provisions of this chapter other than section 239, provided the building be wholly detached from and situated at a distance of at least ten feet from the nearest adjacent building.

CHAPTER XI.

KERIS OR HUTTING GROUNDS.

Preliminary.

Power of standing committee to define and alter limits of keris or hutting grounds.

264. The standing committee may, subject to the approval of the corporation decide whether any particular area is or not a keri or hutting ground as defined in clause (9) of section 3 and the decision of the standing committee shall, on such approval, be final. The standing committee may also, subject to the approval of the corporation, define the external limits of any keri or hutting ground and from time to time alter such limits.

Improvements o Keris or Hutting Grounds.

Power of commissioner to require owner of keri or hutting ground to carry out certain improvements.

265. (1) The commissioner may, for sanitary reasons, require the owner or owners of any keri or hutting ground of which the total area as comprised within the limits defined under section 264 is less than four thousand eight hundred square feet—

(*a*) to open up and construct such passages, not exceeding twelve feet in width, between the building or huts, and to provide such surface drains and latrines for the use of the tenants of the keri or hutting ground, as the commissioner may, think necessary, and

(*b*) to remove the whole or any portion of a hut provided that the owner of the building or hut shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, as the Commissioner may determine.

(2) When the commissioner proposes to issue a requisition in respect of any keri or hutting ground under sub-section (1), he shall prepare a standard plan showing the proposed improvements, and may then by written notice, call on the owner or owners of the keri or hutting ground to show cause why the keri or hutting ground should not be improved within a date to be fixed in conformity with the said plan.

(3) The provisions of sections 273, 274, 275, 280, 283, 284 and 287 shall with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).

Power of commissioner to require preparation of

266. (1) The commissioner may at any time, if it appears to him that any keri or hutting ground, for sanitary reasons, requires improvement, serve a notice upon the owner of such

standard plan by owner of keri or hutting ground.

keri or hutting ground requiring him to prepare and submit a plan of the keri or hutting ground to the scale of thirty-three feet to the inch, showing—

(*a*) the manner in which the keri or hutting ground should be laid out, with the building or huts standing in regular lines and with a free passage, in front of and behind each line, or such width as may be necessary for proper ventilation and for scavenging;

(*b*) the drains for the general use of the tenants of the keri or hutting ground;

(*c*) the means of lighting, common water-supply, bathing arrangements, (if any) and common privy accommodation to be provided for the use of the tenants;

(*d*) the streets and passages which are to be maintained for the benefit of the tenants;

(*e*) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved; and

(*f*) any other proposed improvements:

Provided that when there are two or more owners of a keri or hutting ground the commissioner may require them to prepare and submit a joint plan of the keri or hutting ground.

(2) The streets referred to in clause (*d*) of sub-section (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause, shall not be less than twelve feet wide.

(3) If there is any masonry building within the keri or hutting ground, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(4) The said plan shall be considered by the commissioner who may approve of it without modification or with such modifications as he thinks fit and the said plan as approved by the commissioner shall be deemed to be the standard plan of the keri or hutting ground.

Preparation of standard plan by commissioner where owners disagree, etc.

267. (1) If, after the service of a notice under section 266 on the owner or owners of any keri or hutting ground—

(*a*) such owner or owners prefer for any reason to have a plan prepared for them by the commissioner, or

(*b*) such owner or owners fail to comply within sixty days with such notice, or

(*c*) such owners do not agree among themselves in the preparation of a plan as required by such notice, the commissioner shall cause the keri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the corporation in this behalf, and the other an engineer, and the commissioner on receipt of their report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

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(2) When a plan has been prepared under sub-section (1), the commissioner shall fix a day for the hearing of objections (if any) made by or on behalf of the owner or owners of the keri or hutting ground and the owners of huts or masonry buildings therein, and after hearing such objections, may in his discretion approve such plan either with or without modifications.

(3) Every plan of a keri or hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the keri or hutting ground.

(4) When the commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or owners of the keri or hutting ground therefor at a rate not exceeding one rupee per two thousand four hundred square feet.

Suspension of building pending preparation of standard plan.

268. When the owner or owners of keri or hutting ground have been required under section 266 to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut within the keri or hutting ground until a plan has been prepared and approved under that section or under section 267.

Prohibition of building contrary to standard plan.

269. When standard plan has been approved for any keri or hutting ground under section 266 or section 267 no new building or hut shall be erected and no addition shall be made to any building or hut in such keri or hutting ground unless the building or hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in standard plan as the site for a building or hut.

Power of commissioner to require removal of building or hut not in conformity with standard plan.

270. (1) When a standard plan has been approved for any keri or hutting ground under section 266 or section 267, the commissioner may, at any time, by notice, require the owner of any building or hut in such keri or hutting ground, which is not in conformity with the standard plan, to remove the whole or any portion of such building or hut.

(2) When a building or hut or portion of a building or hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials if the owner elects to take these, as the commissioner may determine.

Power of commissioner to require the carrying out of other improvements in conformity with standard plan

271. (1) The commissioner may at any time, by notice, require the owner or owners of any keri or hutting ground for which a standard plan has been prepared under section 266 or section 267—

(*a*) to construct the drains, privies, streets, and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(*b*) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve, or fill up such tank, well or low land.

(2) Until such notice is complied with, the commissioner may refuse to sanction the erection of a new building or hut or the making of any addition to any building or hut in the keri or hutting ground.

Inspection report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition.

272. (1) If it appears to the commissioner that any keri or hutting ground—

(*a*) by reason of the manner in which the buildings or huts are crowded together, or

(*b*) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this Chapter would be too dilatory to meet the emergency, he may, after giving notice to the owner or owners of the keri or hutting ground, cause the keri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the corporation in this behalf, and the other an engineer. In appointing such persons the commissioner shall consider any proposals made by the owner or owners of the keri or hutting ground in this connection.

(2) The said person shall forthwith—

(*a*) submit a written report on the sanitary condition of the keri or hutting ground,

(*b*) annex to the report a plan approved by them as a proper standard plan of such keri or hutting ground, and

(*c*) certify—

(i) which of the improvements required to bring the keri or hutting ground into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the keri or hutting ground, and

(ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(3) The improvements referred to in sub-clauses (i) and (ii) of clause (*c*) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said Schedules shall clearly indicate—

(*a*) the buildings or huts which should be removed wholly or in part,

(*b*) the streets, passages and drains which should be constructed,

(*c*) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for use of the tenants,

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(*d*) the tanks, wells and low lands which should be filled up,

(*e*) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the keri or hutting ground, and

(*f*) any masonry building within the keri or hutting ground, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages or effecting any such improvements.

(5) A report together with the Schedules annexed thereto submitted under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

Approval by standing committee of standard plan and schedules annexed to Report.

273. (1) The standing committee shall consider every report together with the plan and Schedules A and B annexed thereto made under section 272, and after considering the objections (if any) of the owner or owners of the keri or hutting ground in respect of which the report has been made, and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (4) of section 272, may approve such plan and schedules after making such modifications (if any) therein as it may think fit.

(2) The plan so approved shall be deemed to be the standard plan of such keri or hutting ground.

Power of commissioner to require owners to carry out improvements specified in Schedule A.

274. When Schedule A, annexed to a report made under section 272 has been approved under section 273, the commissioner may cause a written notice to be served upon—

(*a*) the owners of the buildings or huts referred to in such Schedule A, or

(*b*) the owner or owners of the keri or hutting ground in which such buildings or huts are situated, requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.

Payment of expenses incurred in carrying out improvements.

275. When any improvements required by a notice under section 274 are carried out by the commissioner under section 433, all expenses incurred thereby, including such reasonable compensation as the commissioner may think fit to pay to the owners or occupiers of buildings or huts removed, shall be paid by the owner or owners of the keri or hutting ground to the corporation and shall constitute a charge upon such keri or hutting ground :

Provided that notwithstanding anything contained in section 437 if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee, have been done by the owners or occupiers of huts within the keri or

hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund, and in the case of expenses which should be paid by the owner or owners of the keri or hutting ground, it may order the same or any portion thereof to be advanced out of the municipal fund, but thereafter to constitute a charge upon such keri or hutting ground.

Disposal by the commissioner of materials of buildings or huts pulled down.

276. (1) If, in carrying out any improvements as provided in section 274 the commissioner causes any building or hut or any portion thereof to be pulled down, he shall—

(*a*) cause the materials of such building, hut or portion to be given to the owner of the building or hut if such owner elects to take them; or

(*b*) if the owner does not elect to take the materials, or if the owner be unknown or the title to the building or hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 275.

(2) Any amount held in deposit under clause (*b*) of sub-section (1) shall be so held by the corporation until any person obtains an order from a competent court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent court for the purposes of this section.

Power of standing committee to direct commissioner to purchase or acquire building or land in keri or hutting ground.

277. The standing committee may, at any time after the receipt of a report made under section 272, direct the commissioner to purchase or acquire—

(*a*) any building within such keri or hutting ground, or

(*b*) any land appertaining to such building, or

(*c*) any such building, together with the land appertaining thereto or any portion thereof, which is mentioned in that behalf in Schedule A or Schedule B annexed to such reports provided however that it shall be competent for the commissioner to purchase any item of property mentioned above if it does not exceed rupees one thousand in value.

Application of sections 269 to 271 to keri or hutting ground for which standard plan has been approved under section 273.

278. When a standard plan of a keri or hutting ground, and any Schedule B, annexed to the report made under section 272 with respect to that keri or hutting ground, have been approved under section 273—

(*a*) the provisions of sections 269 shall apply to such keri or hutting ground, and

(*b*) the provisions of section 270 and 271 shall apply to such keri or hutting ground in respect of the improvements indicated in that schedule as provided in sub-section (4) of section 272.

Alternative power of commissioner to make standard plan, to purchase

279. (1) Notwithstanding anything contained in sections 273 to 278, the standing committee may, after receipt of a report made under section 272 with respect to any keri or hutting ground, and after giving an opportunity of being heard to the owner or owners thereof, pass a resolution to the effect

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that the keri or hutting ground is an unhealthy area and that in its opinion, the purchase or acquisition of the keri or hutting ground, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report.

or acquire keri or hutting ground and to carry out improvements himself or through purchaser or lessee.

(2) When any such resolution has been passed, the commissioner shall make a plan for the improvement of the said keri or hutting ground or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said keri, hutting ground or portion, and such plan shall be deemed to be the standard plan of the keri or hutting ground.

(3) When any keri or hutting ground or portion of a keri or hutting ground has been so purchased or acquired, the commissioner shall as soon as reasonably practicable, either—

(*a*) sell or lease the same or part thereof to any person for the purpose and under the condition that he will, as regards the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(*b*) himself bring the said keri, hutting ground or portion or ony part of the same which has not been sold or leased under clause (*a*), into conformity with such standard plan, or

(*c*) take measures for the erection of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.

(4) Whenever the commissioner desires to sell or lease under sub-section (3) any keri or hutting ground or any portion thereof, he shall, on application made on that behalf, give to the person from whom the same was purchased or acquired, or his heirs, executors or administrators, a preferential right to purchase or take on lease such keri, hutting ground or portion at such rates and on such terms and condition as may be fixed by the standing committee, if the standing committee considers that such right can be given without detriment to the carrying out of the purposes of this Act. If more than one person so applies, the standing committee shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such keri or hutting ground or portion.

Proportions of area or keri or hutting ground to be shown in standard plan as streets, passages and open lands.

280. (1) No standard plan approved for a keri or hutting ground under this Chapter shall, without the consent of the owner thereof, show more than—

(*a*) one-third of the whole area of such keri or hutting ground as streets or passages, or

(*b*) one half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of buildings or huts.

(2) In calculating the said proportions of one-third and one half of any such area, no tank situated therein that has not been filled up shall be taken into account.

Regulation of plots by standard plan and compensation for adjustments of plots.

281. (1) When the land included in a keri or hutting ground is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this Chapter for such keri or hutting ground shall, as far as practicable provide—

(*a*) for one or more buildings or huts being completely contained in each such plot, and

(*b*) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 280.

(2) If a greater proportion of any one such plot than the proportion specified in section 280 is so taken, such standard plan shall indicate—

(i) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation the same shall be paid by the corporation.

(4) Any compensation payable under this section to the owner or owners of any land in a keri or hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan.

Streets and passages shown in standard plan if not public streets to remain private.

282. (1) Every street or passage in a keri or hutting ground which is shown in the standard plan approved under this Chapter for that keri or hutting ground and which is not already a public street, shall, unless such street or passage is declared to be a public street under section 225 be deemed to be a private street and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 277 shall remain the property of the corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the commissioner may require, and shall also be kept open for the use of all the tenants of the keri or hutting ground:

Provided that, notwithstanding anything contained in the Mysore Limitation Act, 1911, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a public street in clause (30) of section 3.

Bathing arrangements and privy accommodation in keri or hutting ground as shown in standard plan to be kept open for use of tenants.

283. The bathing arrangements and privy accommodation in a keri or hutting ground, which are shown in the standard plan approved under this Chapter for such keri or hutting ground as being common to the use of all or some of the tenants of the keri or hutting ground, shall at all times, be kept available for the use of such tenants:

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Provided that, notwithstanding anything contained in the Mysore Limitation Act, 1911, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such keri or hutting ground, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as to affect prejudicially the rights of the owner of such land.

Owner of land on keri or hutting ground to maintain certain conveniences on his land.

284. (1) The owner or owners of any land in a keri or hutting ground, for which a standard plan has been approved under this Chapter, shall maintain in proper order and repair, to the satisfaction of the commissioner such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water supply and other works on the land as may be shown in the plan.

(2) The commissioner may, at any time, cause a notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works :

Provided that any convenience made by the owner of a building or hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the keri or hutting ground.

(3) If the commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water supply or other work or any portion thereof, has been damaged by any tenant or tenants of the keri or hutting ground, the commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water supply or other work or portion thereof.

(4) Notwithstanding anything contained in this section or in section 283, the scavenging of streets and common privies shall be done by the corporation free of charge.

Right of owner of land and owner of building or hut over streets, land and drains shown in standard plan.

285. (1) The owner of any land in a keri or hutting ground, for which a standard plan, has been approved under this Chapter, shall be deemed to be the occupier of—

(*a*) all the streets, passages and common ground,

(*b*) all draining provided for the use of more than one hut, and

(*c*) the common bathing arrangements, common privies and means of lighting the keri or hutting ground on such land, so far as the same are constructed in accordance with the standard plan.

(2) The owner of any building or hut in such keri or hutting ground shall be deemed to be the occupier of—

(*i*) the land on which such building or hut stands,

(*ii*) the open space behind such building or hut which appertains thereto, and

(*iii*) every drain, privy, means of ighting or water-connection (if any) provided for the sole use of such building or hut.

Keri or hutting ground when to be deemed a remodelled keri or hutting ground.

286. When a keri or hutting ground has been brought into conformity with the standard plan approved under this Chapter for such keri or hutting ground, it shall be deemed to be a remodelled keri or hutting ground.

Power of owner to take land out of the category of keri or hutting ground in certain cases.

287. (1) The owner of any land included in a keri or hutting ground and bearing a separate number in the assessment book may, at any time, whether a standard plan for the keri or hutting ground has been prepared under this Chapter or not, send notice to the commissioner that he intends to remove all the buildings or huts standing on such land:

Provided that the receipt of any such notice by the commissioner shall not be a bar to the approval by the commissioner or the standing committee under this Chapter, of a standard plan for such keri or hutting ground.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building or hut or adding to any building or hut standing on the land.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the commissioner may from time to time allow, remove all buildings or huts standing on such land; and, if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such buildings or huts have been so removed, such land shall, according to its situation either—

(*i*) be altogether excluded from the limits of the keri or hutting ground, or

(*ii*) be shown in a standard plan approved for the keri or hutting ground under this Chapter as not being part of such keri or hutting ground:

Provided that, if in the standard plan any street or passage is shown on such land, the provisions of sections 271, 274, 278, 282, 284 and 285, shall, with all necessary modifications be deemed to apply to such street or passage unless the commissioner otherwise directs.

(5) If, after all the buildings or huts standing on any land have been removed under sub-section (3), any application is received for erecting any building or hut on such land, the commissioner may, by notice, require the owners of the land to carry out such improvements included in the standard plan as he may think fit.

(6) When all the buildings or huts standing on any land within a keri or hutting ground have been removed under sub-section (3) the standing committee may either—

(*a*) cancel the standard plan (if any) already approved, under this Chapter, for such keri or hutting ground, or

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(*b*) modify such plan, after hearing the objection (if any) of any owner of land included in such keri or hutting ground.

(7) Where any land, formerly included in a keri or hutting ground, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included the commissioner does not consider it to be practicable or expedient to change the alignment of such street, he shall, in applying the proviso to sub-section (4) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of the land which ceases to be included in the keri or hutting ground.

KERI OR HUTTING GROUND STREETS.

Power of standing committee to prescribe alignments for keri or hutting ground streets.

288. (1) In any keri or hutting ground, in respect of which a standard plan has not been prepared, or in any area in which it appears to the commissioner that huts are likely to be erected, the standing committee may, after considering the objections, if any, of any owner of land in such keri or hutting ground, or in such area prescribe alignments, not more than sixteen feet in width, for such private streets as it may think fit.

(2) When the land within such keri or hutting ground or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof and shall not ordinarily be less than one hundred feet apart.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the corporation shall pay such compensation to the owner of the plot as the standing committee may fix as reasonable:

Provided that no compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No building or hut or portion thereof shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 282 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

Power of commissioner to require removal of existing huts within streets or hut alignment in keri or hutting ground.

289. (1) In any keri or hutting ground, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(*a*) for a street under section 288, or

(*b*) for buildings or huts,

the commissioner may, by notice, require the owner of the land or the owners or occupiers of existing buildings or huts to remove such buildings or huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed building or hut alignment as the case may be.

(2) When a building or hut has been removed under the provisions of sub-section (1), the corporation shall pay to the owner thereof such compensation as the standing committee may consider to be reasonable, but such compensation shall in no case exceed the value of the building or hut less the value of the materials thereof.

Power to commissioner to require space to be kept between masonry building in keri or hutting ground and centre line of keri or hutting ground street.

290. Any person who erects a masonry building –

(*a*) in any keri or hutting ground in respect of which a standard plan has been approved under sections 266, 267 or 273, or

(*b*) in any keri or hutting ground or area in respect of which alignments for streets have been prescribed under Section 288,

shall, if so required by notice issued by the commissioner, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

Application of provisions of this Chapter to alterations or additions.

291. (1) The provisions of this Chapter and of any rules or bye-laws made under this Act in so far as they relate to construction and reconstruction of buildings or huts in keris or hutting grounds shall also be applicable to any alteration of or addition to such buildings or huts:

Provided that works of necessary repair which do not affect the position or dimensions of a building or hut or any room therein shall not be deemed to be an alteration or addition for purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building, hut or room, such question shall be referred to the standing committee whose decision shall be final.

CHAPTER XII.

NUISANCES.

Dangerous Structures, Trees and Places.

Precautions in case of dangerous structures.

292. (1) If any structure be deemed by the commissioner to be in ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures, the commissioner may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of

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notice expires fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 440.

(3) If in the commissioner's opinion the said structure is imminently dangerous to the inmate thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

293. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person or any structure, the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 440.

Precautions in case of dangerous tanks, wells, holes, etc.

294. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may by notice require to the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 440.

Precaution against fire.

295. (1) The commissioner may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pendal, fence or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

(2) The commissioner may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the commissioner is of opinion that the means of egress from any structure are insufficient to allow of safe exit in the event of fire, he may within the sanction of the

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standing committee by notice require the owner or occupier of the structure to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passage and staircases leading to the exits shall, during presence of the public, be kept clear of obstructions.

Control over Water, etc.

Prohibition of construction of wells, tanks, etc., without the commissioner's permission.

296. (1) No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.

(2) The commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the commissioner may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct, or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

297. If, in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.

298. (1) If in the opinion of the commissioner—

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water, or

(*b*) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may, by notice, require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosine oil, drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order

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with the same for removing or abating the nuisance as the commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 433 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.

299. (1) The commissioner may by notice require the owner of or person having control over any private water-course, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be is proved to the satisfaction of the commissioner to be unfit for that purpose, the commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

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(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of commissioner in respect of public well or receptacle of stagnant water.

300. If it appears to the commissioner, that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained or filled up.

Prohibition against contaminating water-supply.

301. It shall not be lawful for any person to—

(*a*) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation, or by the owner thereof, for drinking purposes;

(*b*) wash or cause any animal or thing to be washed in any such place;

(*c*) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or corrupted; or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything, to be brought thereunto or do anything, whereby the water may be fouled or corrupted.

Control over Abandoned Lands, Untrimmed Hedges, etc.

Untenanted buildings or lands.

302. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the commissioner becomes a nuisance, the commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

303. The commissioner may by notice require the owner or occupier of any building or land (which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood), to cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Abatement of nuisance from dust, smoke, etc.

304. If in the opinion of the commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

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Fencing of buildings or lands and pruning of hedges and trees.

305. The commissioner may by notice require the owner or occupier of any building or land near a public street to—

(*a*) fence the same to the satisfaction of the commissioner; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the commissioner may determine; or

(*c*) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over Insanitary Buildings.

Limewashing and cleansing buildings.

306. The commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings.

307. (1) Whenever the commissioner considers—

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings or portions of buildings, to execute, such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner.

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(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

308. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the commissioner to be unfit for human habitation, he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of crowding in dwelling-house or dwelling place.

309. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate, to abate such overcrowding; and the

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magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for such occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

Power of commissioner to use or sell materials of dangerous building taken down, etc.

310. (1) When the commissioner takes down any building part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this Chapter or under section 433, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

Limitation of compensation.

311. No person shall be entitled save as provided in sections 298 and 307 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this Chapter.